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21437

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Bernd EIKMANNS et al

Patent App. 09/529,043

Filed 3 April 2000

Conf. No. 6651

For NUCLEIC ACID ENCODING PYRUVATE CARBOXYLASE FROM CORYNEFORM

Art Unit 1652

Examiner Steadman, D

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Attached hereto is a copy of a recently received prior art reference in German and an English translation thereof.

The prior art reference was cited during an opposition proceeding in Europe against the Applicants' parallel European Patent Application. The opposition has been brought by the successors in interest to the European Patent Application corresponding to the three SINSKEY et al US Patents of record in the present application. The reference is in German and so Applicants have obtained an English translation thereof and so are now making of record both the German original and the English translation. The reference is entitled ANAPLEUROTIC REACTIONS IN CORYNEBACTERIUM GLUTAMICUM; EXPERIMENTS FOR THE IMPORTANCE OF THE PEP CARBOXYLASE AND THE PYRUVATE CARBOXYLASE IN THE CENTRAL METABOLISM AND IN THE AMINO ACID PRODUCTION. The author of the article is Petra Peters-Wendisch, one of the present Applicants, and the article was published 19 August 1996.

The reference relates to pyruvate carboxylase obtained from C. Glutamicum but does not disclose either the isolation or the

structure of the complete polynucleotide of SEQ ID NO:1 or of the complete polypeptide of SEQ ID NO:2. The reference does disclose the sequences of a fragment of both SEQ ID NO:1 and SEQ ID NO:2. See Figure 33. The reference discloses the isolation of a 1.4 kb EcoR1 fragment of DNA taken from *C. Glutamicum* (Fig. 32) and the sequencing of this DNA fragment, but does not disclose either the isolation or the sequencing of the other DNA fragments sequenced and analyzed according to page 12, last paragraph of the present application. Sequencing of the 1.4 kb EcoR1 fragment showed the sequence of 1353 base pairs within SEQ ID NO:1 starting with nucleotide 1016 and ending with nucleotide 2369 and the sequence of 451 amino acids within SEQ ID NO:2 starting with amino acid 285 and ending with amino acid 735. The reference also discloses that pyruvate carboxylase from *C. Glutamicum* positively influences the production of the amino acid lysine. See page 9 of the English translation.

Respectfully submitted,
The Firm of Karl F. Ross P.C.


Jonathan Myers, Reg. No. 26,963
Attorney for Applicant

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May 10, 2006
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

Enclosures: Peters-Wendisch reference
English translation
PTO 2038 - \$180.00

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09/529,043

**LIST OF PATENTS
AND PUBLICATIONS**

APPLICANT

Bernd EIKMANN et al

FILING DATE

3 April 2000

GROUP

1652

U.S. PATENT DOCUMENTS

EX. INIT	DOCUMENT NO. Cntry code - No.	DATE MM-YYYY	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	AA	US-				
	BB	US-				
	CC	US-				
	DD	US-				
	EE	US-				
	FF	US-				
	GG	US-				
	HH	US-				

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO. Cntry Code - No.	DATE MM-YYYY	COUNTRY	NAME	CLASS	TRANSL.	
						YES	NO
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
	AO						
	AP						
	AR						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AS	Petra Peters-Wendisch; Pages 81-102; Institut fur Biotechnologie; Fors. Julich GmbH; Anaplerotische Reaktionen in
AT	
AU	

EXAMINER

Steadman, D

DATE CONSIDer

EXAMINER: Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

10 May 2006

The Firm of Karl F. Ross P.C.
Customer Number 535
5676 Riverdale Ave. Box 900
Bronx (Riverdale), NY 10471
(718) 884-6600